

## IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

BIGFOOT ON THE STRIP, LLC, )  
Plaintiff, )  
v. ) Case No. \_\_\_\_\_  
RANDY WINCHESTER, )  
*May be served at:* )  
36 East 2200<sup>th</sup> Road )  
Wellsville, KS 66092 )  
EMILY WINCHESTER, )  
*May be served at:* )  
36 East 2200<sup>th</sup> Road )  
Wellsville, KS 66092 )  
DANCING COW FARMS )  
*May be served at:* )  
c/o Emily Winchester )  
36 East 2200<sup>th</sup> Road )  
Wellsville, KS 66092 )  
Defendants. )

PETITION

COMES NOW Plaintiff Bigfoot On The Strip, LLC, by and through its attorneys undersigned, and for its cause of action against Defendants Randy Winchester, Emily Winchester, and Dancing Cow Farms, hereby states and avers to the Court as follows:

1. Plaintiff Bigfoot On The Strip, LLC is a Missouri limited liability company in good standing with the Missouri Secretary of State and operates in Taney County, Missouri.
2. Defendant Randy Winchester (“Defendant Randy”) is believed to be a resident of Wellsville, Franklin County, Kansas, and may be served at the address listed in the above-caption.

3. Defendant Emily Winchester (“Defendant Emily”) is believed to be a resident of Wellsville, Franklin County, Kansas, and may be served at the address listed in the above-caption.

4. Defendant Dancing Cow Farms (“Defendant Dancing Cow”) is believed to be an entity with its principal place of business located in Wellsville, Franklin County, Kansas, and may be served through its contact, Emily Winchester at the address listed in the above-caption.

5. As this suit concerns torts committed in Taney County, Missouri and business conducted in Taney County, Missouri and because Plaintiff was damaged in Taney County, Missouri, venue and jurisdiction are proper with this Court.

#### **ALLEGATIONS COMMONS TO ALL COUNTS**

6. In early 2018, Defendants traveled to Branson, Taney County, Missouri and participated in an event hosted by Plaintiff.

7. Sometime after March 3, 2018, Defendants published a statement on the TripAdvisor website which purportedly reviewed Plaintiff’s Bigfoot Discovery Expedition Tour/Bigfoot Safari Tour (the “Tour”) and stated that:

- a. Defendants participated in the Tour;
- b. Defendants paid \$10.00 to take the Tour;
- c. The “price tag” for the Tour is \$10.00;
- d. Customers who take the Tour “spend about 5–10 minutes feeding [cattle] range cubes;” and
- e. Customers who take the Tour “see maybe 10 of the cows.”

A copy of the statement from the TripAdvisor website is attached hereto as Exhibit “A” and incorporated herein by this reference.

8. Sometime after March 3, 2018, Defendants published a second statement on the TripAdvisor website which stated that:

- a. Defendants participated in the Tour;
- b. Defendants paid \$10.00 to take the Tour;
- c. The “price tag” for the Tour is \$10.00;
- d. Customers who take the Tour “spend about 5–10 minutes feeding [cattle] range cubes;”
- e. Customers who take the Tour “see maybe 10 of the cows;”
- f. A representative of Plaintiff called Defendant Randy’s daughter “on her cellphone repeatedly;” and
- g. A representative of Plaintiff called Defendant Randy’s “home phone at 8:30 p.m. on a Saturday.”

A copy of the statement from Defendant’s website is attached hereto as Exhibit “B” and incorporated herein by this reference.

9. The published statements, as set forth in Paragraph 7 and 8 of this Petition (the “Statements”) are false and defamatory as:

- a. Defendants did not take the Tour;
- b. Defendants did not pay \$10.00 to take the Tour;
- c. The purchase price for the Tour is not \$10.00;
- d. Customers who take the Tour do not spend 5–10 minutes feeding cattle range cubes;
- e. Customers who take the Tour do not see 10 of the cows;

- f. Plaintiff's representative did not call Defendant Randy's daughter on her cellphone repeatedly; and
- g. Plaintiff's representative did not call Defendant Randy's home phone at 8:30 p.m. on a Saturday.

10. The Statements were read by Plaintiff's customers and potential customers and the general public.

11. The Statements continue to be read by Plaintiff's customers and potential customers and the general public.

12. At least one member of the general public has thanked Defendant Randy for at least one of the Statements by giving a "thumbs up" on the TripAdvisor website to one or both of the Statements.

**COUNT I**  
**(Libel)**

13. Plaintiff hereby incorporates Paragraphs 1 through 12 of the Petition as if fully set forth herein.

14. Defendants published the Statements about Plaintiff and Plaintiff's business on the TripAdvisor website.

15. Defendants were at fault in publishing the Statements as Defendants knew, or should have known, that the defamatory statements were false.

16. The Statements exposed Plaintiff to contempt and ridicule and deprived Plaintiff of the benefit of public confidence.

17. The Statements were read by Plaintiff's customers and potential customers and the general public.

18. Plaintiff's reputation was damaged, and continues to be damaged by the Statements.

19. Plaintiff has suffered damage as a result of Defendants publishing the Statements in an amount of at least \$25,000.00.

**WHEREFORE**, Plaintiff requests this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, in an amount that is fair and reasonable to be determined at trial, but not less than \$25,000.00, for its attorney's fees and costs incurred and expended, for post-judgment interest at the highest legal rate, and for all such orders and relief as the Court deems just and proper in the premises.

**COUNT II**  
**(Negligence)**

20. Plaintiff hereby incorporates Paragraphs 1 through 19 of the Petition as if fully set forth herein.

21. Defendants assumed a duty of care to Plaintiff to publish accurate and truthful information about Plaintiff when Defendants decided to publish a review of Plaintiff and Plaintiff's business.

22. Defendants breached the duty of care owed to Plaintiff when Defendants published a review of Plaintiff and Plaintiff's business containing inaccurate and false information, as detailed more fully *supra* in this Petition.

23. Defendants' breach of the duty of care owed to Plaintiff caused damage to Plaintiff's reputation and has caused Plaintiff to suffer monetary damages in an amount that is presently unknown but that exceeds at least \$25,000.00.

**WHEREFORE**, Plaintiff requests this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, in an amount that is fair and reasonable to be

determined at trial, but no less than \$25,000.00, for its attorney's fees and costs incurred and expended, for post-judgment interest at the highest legal rate, and for all such orders and relief as the Court deems just and proper in the premises.

**COUNT III**  
**(Punitive Damages)**

24. Plaintiff hereby incorporates Paragraphs 1 through 23 of the Petition as if fully set forth herein.

25. Upon information and belief, Defendants published the Statements with the intent to harm Plaintiff.

26. Upon information and belief, Defendants acted with malice in publishing the Statements because Defendants knew, or should have known, that the Statements were false.

27. Defendants' conduct was outrageous because of Defendants' evil motive and reckless indifference to Plaintiff's rights.

28. Punitive damages are proper to deter Defendants and others like Defendants from engaging in such outrageous and malicious conduct in the future.

**WHEREFORE**, Plaintiff requests this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, in an amount that is fair and reasonable to be determined at trial, but no less than \$25,000.00, for an award of punitive damages, for its attorney's fees and costs incurred and expended, for post-judgment interest at the highest legal rate, and for all such orders and relief as the Court deems just and proper in the premises.

**COUNT IV**  
**(Tortious Interference with a Business Expectancy)**

29. Plaintiff hereby incorporates Paragraphs 1 through 28 of the Petition as if fully set forth herein.

30. Upon information and belief, consumers with whom Plaintiff had a business relationship or expectancy read the Statements published by Defendants.

31. Upon information and belief, Defendants published the Statements at issue knowing that consumers with whom Plaintiff had a business relationship and/or expectancy would read the Statements.

32. Upon information and belief, Defendants published the Statements in order to interfere with the business relationship and/or expectancy between Plaintiff and the consumers who read the Statements.

33. Upon information and belief, Defendants published the Statements in order to cause consumers with whom Plaintiff had a business relationship and/or expectancy to terminate their relationship with Plaintiff.

34. Defendants' interference with the business relationship and/or expectancy between Plaintiff and consumers who read the Statements is without just cause.

35. Defendants' interference with the business relationship and/or expectancy between Plaintiff and consumers who read the Statements has caused Plaintiff to suffer damages in an amount that is presently unknown but that exceeds \$25,000.00.

**WHEREFORE**, Plaintiff requests this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, in an amount that is fair and reasonable to be determined at trial, but not less than \$25,000.00, for its attorney's fees and costs incurred and expended, for post-judgment interest at the highest legal rate, and for all such orders and relief as the Court deems just and proper in the premises.

**COUNT V**  
**(Preliminary and Permanent Injunction)**

36. Plaintiff hereby incorporates Paragraphs 1 through 35 of the Petition as if fully set forth herein.

37. The Statements published by Defendants are available to any member of the public visiting Plaintiff's listing on the TripAdvisor's website.

38. The Statements published by Defendants irreparably damaged Plaintiff's reputation and continue to damage Plaintiff's reputation and cannot be removed by Plaintiff.

39. The Statements published by Defendants violate Plaintiff's rights.

40. The continuous acts of Defendants described herein if not restrained would constitute a legal wrong against Plaintiff and would result in irreparable injury to Plaintiff, and an adequate remedy could not be afforded by an action for damages because absent such restraint, in order to recover all damages directly and proximately caused by such future conduct, Plaintiff would be compelled to initiate one or more legal actions, in which Plaintiff would be entitled only to recover such damages that accrued to that point, and in which the calculations of recoverable damages would be subject to uncertainty.

41. Plaintiff is without an adequate legal remedy absent a preliminary and permanent injunction enjoining Defendants' defamatory conduct.

42. No harm would come to Defendants by this Court's entry of a preliminary and permanent injunction enjoining Defendants from publishing statements about Plaintiff and ordering Defendants to remove all statements published by Defendants about Plaintiff from Plaintiff's listing on the TripAdvisor website.

43. Plaintiff is ready, willing, and able to execute, or cause some responsible party to execute for it, a bond with sufficient surety or sureties to Defendants in such sum as this Court

shall deem sufficient to secure the amount of any damage that may be occasioned by the issuance of a preliminary injunction which bond is to be conditioned that Plaintiff will abide by the ultimate decision which shall be made in this action, and pay all sums of money, damages, and costs which shall be adjudicated against Plaintiff, if any, if such preliminary injunction shall be dissolved; in lieu thereof, Plaintiff is ready, willing, and able to deposit with this Court such sum, in cash, as this Court may require, sufficient to secure such amounts.

**WHEREFORE**, the above considered, Plaintiff prays this Court enters the following:

- a. A preliminary and permanent injunction enjoining Defendants, or any one acting by or through Defendants, from publishing any statements about Plaintiff;
- b. A preliminary and permanent injunction directing Defendants to remove from Plaintiff's page on the TripAdvisor's website any profile or statements about Plaintiff;
- c. An order directing Defendants to appear before this Court at such time and place as the Court may direct to show cause when an injunction should not issue, and thereafter entering a injunction as forth above;
- d. An order permanently enjoining Defendants, or any one acting by or through Defendants as set forth above;
- e. Plaintiff's attorneys' fees and costs incurred herein; and
- f. Any other order that this Court deems just and proper under the circumstances.

**[VERIFICATION PAGE TO FOLLOW]**

## VERIFICATION

STATE OF MISSOURI      )  
                                 ) ss.  
 COUNTY OF GREENE      )

Darrell Henley, Authorized Agent for Bigfoot On The Strip, LLC, first being sworn upon his oath, states that he is over the age of eighteen (18) years, that he has personal knowledge of the matters contained herein, and he hereby verifies that the allegations and averments contained in the foregoing pleading are true and accurate to the best of his knowledge and belief.

BIGFOOT ON THE STRIP, LLC

By:

  
Darrell Henley, Authorized Agent

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of April, 2018.

  
Notary Public

Printed Name: Julie Van Meter

My Commission expires: 06/09/19.



NEALE & NEWMAN, L.L.P.

By:

Bryan D. Fisher, #65904

1949 E. Sunshine, Ste. 1-130  
P.O. Box 10327  
Springfield, MO 65808-0327  
Telephone: (417) 882-9090  
Facsimile: (417) 882-2529  
Email: [bfisher@nnlaw.com](mailto:bfisher@nnlaw.com)

**ATTORNEYS FOR PLAINTIFF**



# IN THE 46TH JUDICIAL CIRCUIT COURT, TANEY COUNTY, MISSOURI

Judge or Division: TONY W. WILLIAMS	Case Number: 1846-CC00074
Plaintiff/Petitioner: BIGFOOT ON THE STRIP, LLC  vs.	Plaintiff's/Petitioner's Attorney/Address: BRYAN DANE FISHER 1949 EAST SUNSHINE SUITE 1-130 SPRINGFIELD, MO 65804
Defendant/Respondent: RANDY WINCHESTER	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Other Tort	(Date File Stamp)

## Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: RANDY WINCHESTER

Alias:

36 EAST 2200TH ROAD  
WELLSVILLE, KS 66092



TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.  
04/16/2018

/s/ Beth Wyman, tm

Date

Clerk

Further Information:

### Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
3. I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
 other (describe) \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.  
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

\_\_\_\_\_  
Signature and Title

### Service Fees, if applicable

Summons \$\_\_\_\_\_

Non Est \$\_\_\_\_\_

Mileage \$\_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$\_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

## **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

## **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



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Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

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Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

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*Return*



IN THE 46TH JUDICIAL CIRCUIT COURT, TANEY COUNTY, MISSOURI

Judge or Division: TONY W. WILLIAMS	Case Number: 1846-CC00074
Plaintiff/Petitioner: BIGFOOT ON THE STRIP, LLC	Plaintiff's/Petitioner's Attorney/Address: BRYAN DANE FISHER 1949 EAST SUNSHINE SUITE 1-130 SPRINGFIELD, MO 65804
vs. Defendant/Respondent: RANDY WINCHESTER	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Other Tort	DOUGLAS COUNTY SHERIFF'S DEPT LAWRENCE KS
(Date File Stamp)	

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: EMILY WINCHESTER  
Alias:

36 EAST 2200TH ROAD  
WELLSVILLE, KS 66092



TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

04/16/2018

/s/ Beth Wyman, tm

Date

Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is Process Server of Douglas County, Kansas (state).
3. I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other (describe) \_\_\_\_\_ (title).

Served at 36 E 2200 Ross Wellsville Kansas 66092 (address)  
in Douglas County, Kansas (state), on 04-16-18 (date) at 110 PM (time).

Printed Name of Sheriff or Server

*Douglas Beel*  
Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.  
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

\_\_\_\_\_  
Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

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### **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

*Return*



IN THE 46TH JUDICIAL CIRCUIT COURT, TANEY COUNTY, MISSOURI

Judge or Division: TONY W. WILLIAMS	Case Number: 1846-CC00074
Plaintiff/Petitioner: BIGFOOT ON THE STRIP, LLC	Plaintiff's/Petitioner's Attorney/Address: BRYAN DANE FISHER 1949 EAST SUNSHINE SUITE 1-130 SPRINGFIELD, MO 65804
vs.  Defendant/Respondent: RANDY WINCHESTER	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Other Tort	DOUGLAS COUNTY SHERIFFS DEPT LAWRENCE KS
(Date File Stamp)	

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: **DANCING COW FARMS**  
Alias:

**ATTN: EMILY WINCHESTER**  
36 EAST 2200TH ROAD  
WELLSVILLE, KS 66092



TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

04/16/2018

/s/ Beth Wyman, tm

Date

Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is Process Server of Douglas County, Kansas (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with Emily Winchester, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

other (describe) \_\_\_\_\_

Served at 36 EAST 2200 Road WELLSVILLE, KS 66092 (address)  
in Douglas County, Kansas (state), on 04-30-18 (date) at 110 PM. (time).

Printed Name of Sheriff or Server

*[Signature]* Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.  
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

\_\_\_\_\_  
Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

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